



JOHN ENGLER  
GOVERNOR

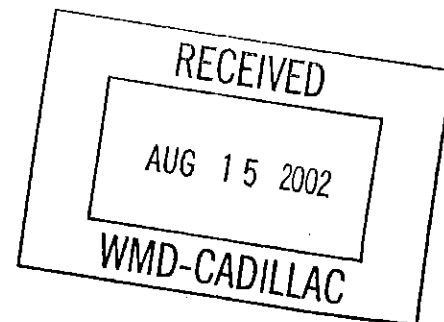
STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING

Dow Ag Lime File  
Mason County



RUSSELL J. HARDING  
DIRECTOR

August 8, 2002



Mr. Michael W. Ryder  
Environmental, Health & Safety  
The Dow Chemical Company  
Ludington, Michigan 49431

Dear Mr. Ryder:

This letter amends and replaces the previous correspondence dated May 28, 2002, which was in response to your letter dated April 25, 2002. In your April 25, 2002 letter you requested a source-separated material exemption for solids from surface impoundments (Material) generated by The Dow Chemical Company (Dow) at its facility located in Ludington, Michigan. The request was made pursuant to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Your request is approved pursuant to R 299.4119 of the administrative rules of Part 115 under the following conditions:

1. This approval is limited to Material generated by Dow from its Ludington, Michigan facility.
2. This approval is based on the information included in Attachment A.
3. On an annual basis, Dow shall representatively sample and test the Material for all potential contaminants of concern in compliance with Attachment B. Dow shall keep on file the results of the testing, for a period of five years, and shall make them available for review by the Director of the Department of Environmental Quality (DEQ), or authorized representative, upon request.
4. The Material shall only be used as an agricultural lime on land that requires pH adjustment, as demonstrated by appropriate soil fertility tests.
5. Dow shall not store the Material in a manner constituting speculative accumulation. This requires that during any three-year period, the

amount of Material that is used or that is transferred to a different site for use, equals not less than 75 percent by weight or volume of the amount of Material that was accumulated at the beginning of the three-year period.

6. Transporting, processing, and storage of the Material shall comply with Part 55, Air Pollution Control; Part 31, Water Resources Protection; and Part 201, Environmental Remediation, of the NREPA.
7. The Material shall not be mixed with other materials that must be removed prior to use as an agricultural liming material.
8. By January 31<sup>st</sup> of each year, Dow shall submit a report to the DEQ that details the volume of Material generated during the previous year including the name, telephone number, and address of each person that Dow has sold or given the Material to as follows:

Mr. Duane Roskoskey  
Michigan Department of Environmental Quality  
Solid Waste Program Section  
Waste Management Division  
P.O. Box 30241  
Lansing, Michigan 48909-7741

9. This approval shall immediately become void for any of the following reasons:
  - a. Dow does not comply with the conditions of this approval.
  - b. Additional information demonstrates that the processing, use, or storage of the Material is causing environmental contamination.
  - c. New state/federal regulations are promulgated that would invalidate this approval.
10. This approval shall be valid for a period of five years.

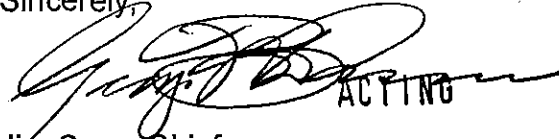
Mr. Michael W. Ryder

Page 3

August 8, 2002

If you have any questions concerning the requirements listed above, please contact Mr. Roskoskey, Solid Waste Program Section, Waste Management Division, at 517-335-4712; Mr. Philip Roycraft, Cadillac District Office, at 231-775-3960 (extension 6200); or you may contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Sygo". To the right of the signature, the word "ACTING" is printed in a bold, sans-serif font.

Jim Sygo, Chief  
Waste Management Division  
517-373-9523

Enclosure

cc: Mr. George Bruchmann, DEQ  
Ms. Joan Peck, DEQ  
✓ Mr. Philip Roycraft, DEQ - Cadillac  
Mr. Duane Roskoskey, DEQ

**FILE COPY**

REPLY TO:

CADILLAC DISTRICT OFFICE  
8015 MACKINAW TRAIL  
CADILLAC MI 49601JOHN ENGLER, Governor  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

RUSSELL J. HARDING, Director

May 24, 1996

Mr. Mike Ryder, Manager  
Environmental Services  
Dow Chemical Company  
Ludington, Michigan 49431

SUBJECT: Dow Lime Piles

Thank you for meeting with Jack Lewis of this Department's Environmental Response Division and I on April 23, 1996. The purpose of this letter is to follow up on our discussion of the spent lime pile at the Ludington plant, and the possible closure of the old lime ponds on Sixth Street. As we discussed, I believe the spent lime from Dow's wastewater treatment plant meets the definition of a "solid waste" under Part 115 of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (NREPA) unless and until it is applied to the land for agricultural use in a manner approved by your residuals management plan.

Section 11506 of NREPA defines solid waste as "garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, commercial and industrial solid waste, and animal waste ..."

Rule 106 under Part 115 of NREPA defines a sludge as "any solid, semisolid, or liquid waste that is generated from a municipal, commercial, or industrial wastewater treatment plant, or air pollution control facility, but does not include treated effluent from a wastewater treatment plant."

Rule 110 exempts from the definition of solid waste "sludge that is disposed of in a land application unit pursuant to a residuals management plan that is approved pursuant to the provisions of act 245" (part 31 of NREPA). However, please note that such sludges are only exempt at the point such sludge "is disposed of in a land application unit." Storage of the sludge prior to disposal in accordance with the plan is still potentially regulated.

I understand that Dow may generate more spent lime than it can market for agricultural use. For this reason, Dow is storing spent lime in piles at its facility in Ludington.

Administrative rules under Part 115 of NREPA prohibit the storage of uncontained industrial waste in piles unless the waste is determined to be a "low hazard industrial waste" which is managed in accordance with rules under Part 115. Based on my review of analytical data from your residuals management plan, spent lime from the Ludington plant may meet this definition.

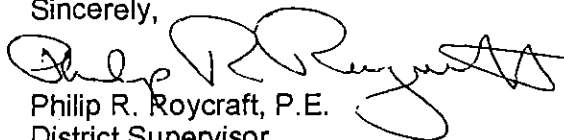
Enclosed for your information are applicable portions of administrative rules pertaining to waste piles and criteria for designating low-hazard industrial waste. Also enclosed is another copy of the notification form which I gave you on April 23, which will help you determine the regulatory status of your waste pile. You are not under an obligation to complete this form. However, I recommend that you do so since it will help ensure compliance with waste pile regulations. I request that you return a copy to me at the address below by June 1, 1996.

Mr. Mike Ryder  
May 23, 1996  
Page Two

In the past, you have proposed closure of the Sixth Street ponds. Placement of final cover over this material could be approved through an interim Remedial Action Plan under Part 201, even without resolution of the groundwater issues at the site. Consolidation of the spent lime stored at the Ludington Plant with material at Sixth Street may also be possible. Such a consolidation could be approved if the spent lime was exempt from being a solid waste by virtue of being 1) an "inert material" used in a manner approved by the Department, or 2) "waste generated from the remediation of environmental contamination" (rule 110(k)). I encourage you to continue to explore these options.

If you have any questions regarding this form, the requirements for waste piles, or the criteria for designating a low hazard industrial waste, please contact me at the number below.

Sincerely,



Philip R. Roycraft, P.E.  
District Supervisor  
Waste Management Division  
616-775-9727 ext. 6200

cc: Mr. Jack Lewis, ERD  
Mr. Garth Aslakson, SWQD

NATURAL RESOURCES COMMISSION  
MARLENE J. FLUJARTY  
GORDON E. GUYER  
O. STEWART MYERS  
RAYMOND POLLOCK

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

DAVID F. HALE, Director

SURFACE WATER QUALITY DIVISION

Cadillac District Office  
8015 Mackinaw Trail  
Cadillac, MI 49601

April 8, 1991

Mr. Michael Ryder, Manager  
Environmental Services  
The Dow Chemical Company  
Ludington, Michigan 49431

Dear Mr. Ryder:

I have reviewed the Program for Effective Residual Management (PERM) submitted for the Dow Company, Ludington site. Based on my review, I am approving the PERM subject to the following.

1. On page 4, the PERM states that the ag lime that meets sales specifications is stored in an enclosed building. This statement implies that not all of the material meets sales specifications. Please clarify this point.
2. This approval extends only to the sale of the ag lime. If Dow plans to adopt any other method of disposal, approval from the Surface Water Quality District Supervisor at Cadillac needs to be obtained.
3. This approval does not authorize a discharge of ag lime run off or leachate to waters of the state.

Please contact me at the Cadillac District Office with any questions or comments.

Sincerely,

SURFACE WATER QUALITY DIVISION

Michael Stifler  
District Supervisor  
(616) 775-9727

GA:dr

Mason County  
Dow Chemical  
**FILE COPY**